



Practitioner's Docket No. 2001-IP-003334U2P1

JF/JW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____ Inventor(s)
for _____ Title of Invention

OR

In re application of: James Frederick Pyecroft, et al

Application No.: 0 10 /623,438

Group Art Unit:

Filed: 07/21/2003

Examiner:

For: Subterranean Formation Treating Fluid and Methods of Fracturing
Subterranean Formations

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

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* Only the date of filing (§ 1.8) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action (§-3)—page 1 of 3)

NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.138 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(l).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.63(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.496. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action (8-3)—page 3 of 3)



PATENT 2001-IP-003334U2P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James Frederick Pyecroft,)
Et al)
Serial No.: 10/623,438) Art Unit: Unknown
Filed: 07/21/2003) Examiner: Unknown
For: Subterranean Formation)
Treatment Fluid and)
Methods of Fracturing)
Subterranean Formations)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

U. S. PATENTS

U.S. Patent Number 2,782,190 issued 02/19/57 to Karl A. Fischer, et al;

U.S. Patent Number 3,480,511 issued 11/25/69 to Duane A. Jones;

U.S. Patent Number 3,728,331 issued 04/17/73 to Albert B. Savage;

U.S. Patent Number 3,794,115 issued 02/26/74 to William E. Skagerberg;

U.S. Patent Number 4,078,610 issued 03/14/78 to George B. Arnold;

U.S. Patent Number 4,568,481 issued 02/04/86 to William F. Harris, Jr.

U.S. Patent Number 4,753,659 issued 06/28/88 to Friedrich Bayerlein, et al;

U.S. Patent Number 4,766,959 issued 08/30/88 to Joe D. Allison;

U.S. Patent Number 4,874,854 issued 10/17/89 to George T. Colegrove, et al;

U.S. Patent Number 5,009,797 issued 04/23/91 to Glenn S. Penny, et al;

U.S. Patent Number 5,184,680 issued 02/09/93 to Patty L. Totten, et al;

U.S. Patent Number 5,350,528 issued 09/27/94 to John A. Westland, et al;

U.S. Patent Number 5,658,861 issued 08/19/97 to Erik B. Nelson, et al;

U.S. Patent Number 5,697,444 issued 12/16/97 to Ralph Moorhouse, et al;

U.S. Patent Number 5,708,162 issued 01/13/98 to Josef Hilbig, et al;

U.S. Patent Number 5,720,347 issued 02/24/98 to Annie Audibert, et al;

U.S. Patent Number 5,728,564 issued 03/17/98 to Joseph F. Sambrook, et al;

U.S. Patent Number 5,775,425 issued 07/07/98 to Jim D. Weaver, et al;

U.S. Patent Number 5,948,848 issued 09/07/99 to Bayan Oleg Thadius Giltsoff, et al;

U.S. Patent Number 6,017,855 issued 01/25/00 to Jeffrey C. Dawson, et al;

U.S. Patent Number 6,383,990 B1 issued 05/07/02 to Jeffrey C. Dawson, et al;

U.S. Patent Number 6,488,091 B1 issued 12/03/02 to Jim D. Weaver, et al; and

U.S. Patent Application Serial Number, *Subterranean Formation Treating Fluid Concentrates, Treating Fluids and Methods*, filed 09/25/2002 by Jim D. Weaver, et al, (Ref. 2001-IP-003334U2D1).

FOREIGN PATENTS

Int'l Publication Number WO 93/15116 published 08/04/93 by Stephen B. Christensen
and

European Patent Number 0 030 443 A1 published 06/17/81 by Karl H. O. Tiefenthaler, et al.

PAPERS/OTHER

Characterization of High Polymers by Gel Permeation Chromatography, Chapter 10, by N. C. Billingham, published 1976, from Practical High Performance Liquid Chromatography, pp. 167-191, C. F. Simpson, Editor;

The Degradation of Hydroxypropyl, Guar Fracturing Fluids by Enzyme, Oxidative, and Catalyzed Oxidative Breakers, 1992 Southwestern Petroleum Short Course – 92, April 22-23, pp. 1-19, by David Craig, et al;

Polyelectrolytes from polysaccharides: selective oxidation of guar gum—a revisited reaction, 1995, Carbohydrate Polymers, 27, pp. 129-135, by E. Frollini, et al;

Synthesis and Cytotoxic Activity of Acidized Galactomannan/ADR Conjugate, 1997, J.M.S.—Pure Appl. Chem., A34(6), pp. 975-989, by T. Ouchi, et al;

Polymers as Rheology Modifiers, An Overview, 1991, American Chemical Society, ACS Symposium Series 462, Chapter 1, pp. 1-7, Donald N. Schultz, Editors, by J. Edward Glass, et al;

Degradation of a Water-Soluble Polymer: Molecular Weight Changes and Chain Scission Characteristics, 2000, American Chemical Society, Macromolecules 2000, 33, pp. 9488-9493, by Akash Tayal, et al; and

Absolute Molecular Weight and Molecular Weight Distribution of Guar by Size Exclusion Chromatography and Low-angle Laser Light Scattering, 1984, Carbohydrate Polymers 4,

pp. 299-313, by B. R. Vijayendran, et al.

BROCHURES

None.

Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,

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PTO-1449

Application No.
10/623,438Applicant(s)
James Frederick Pyecroft, et al**Information Disclosure Citation in an Application**Docket Number
2001-IP-003334U2P1

Group Art Unit

Filing Date
07/21/2003**U.S. PATENT DOCUMENTS**

	DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2,782,190	02/19/57	Fischer, et al	507	510	03/08/52
	3,480,511	11/25/69	Jones	195	31	08/11/66
	3,728,331	04/17/73	Savage	260	231R	04/04/69
	3,794,115	02/26/74	Skagerberg	166	294	01/14/72
	4,078,610	03/14/78	Arnold	166	280	05/17/76
	4,568,481	02/04/86	Harris, Jr.	252	315.3	02/16/84
	4,753,659	06/28/88	Bayerlein, et al	8	561	08/11/86
	4,766,959	08/30/88	Allison	166	295	04/13/87
	4,874,854	10/17/89	Colegrove, et al	536	114	10/08/85
	5,009,797	04/23/91	Penny, et al	252	8.551	12/13/89
	5,184,680	02/09/93	Totten, et al	166	293	09/27/91
	5,350,528	09/27/94	Westland, et al	252	8.551	12/11/90
	5,658,861	08/19/97	Nelson, et al	507	200	05/11/95
	5,697,444	12/16/97	Moorhouse, et al	166	308	02/26/97
	5,708,162	01/13/98	Hilbig, et al	536	124	04/04/95
	5,720,347	02/24/98	Audibert, et al	166	294	01/11/96
	5,728,564	03/17/98	Sambrook, et al	435	215	05/21/96
	5,775,425	07/07/98	Weaver, et al	166	276	05/19/97
	5,948,848	09/07/99	Giltsoff	524	503	09/06/96
	6,017,855	01/25/00	Dawson, et al	507	209	11/13/98
	6,383,990 B1	05/07/02	Dawson, et al	507	209	12/03/99
	6,488,091 B1	12/03/02	Weaver, et al	166	300	06/11/01
	US Pat. App. Ser. No. 10/254,268	-	Weaver, et al (Ref. No. 2001-IP-003334U2D1)	-	-	09/25/02

EXAMINER**DATE CONSIDERED**

XAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

PTO-1449 Information Disclosure Citation in an Application	Application No. 10/623,438	Applicant(s) James Frederick Pyecroft, et al	
	Docket Number 2001-IP-003334U2P1	Group Art Unit	Filing Date 07/21/2003

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						Yes No

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	
	Billingham, N. C., <i>Characterization of High Polymers by Gel Permeation Chromatography, Chapter 10</i> , 1976, from <u>Practical High Performance Liquid Chromatography</u> , pp. 167-191, Simpson, C. F., Editor	
	Craig, David, et al, <i>The Degradation of Hydroxypropyl, Guar Fracturing Fluids by Enzyme, Oxidative, and Catalyzed Oxidative Breakers</i> , 1992, Southwestern Petroleum Short Course – 92, April 22-23, pp. 1-19	
	Frollini, E., et al, <i>Polyelectrolytes from polysaccharides: selective oxidation of guar gum—a revisited reaction</i> , 1995, <u>Carbohydrate Polymers</u> , 27, pp. 129-135	
	Ouchi, T., et al, <i>Synthesis and Cytotoxic Activity of Acidized Galactomannan/ADR Conjugate</i> , 1997, <u>J.M.S.—Pure Appl. Chem.</u> , A34(6), pp. 975-989	
	Schultz, Donald N., et al, Editors by Glass, J. Edward, et al, <i>Polymers as Rheology Modifiers, An Overview</i> , 1991, American Chemical Society, ACS Symposium Series 462, Chapter 1, pp. 1-7	
	Tayal, Akash., et al, <i>Degradation of a Water-Soluble Polymer: Molecular Weight Changes and Chain Scission Characteristics</i> , 2000, American Chemical Society, <u>Macromolecules</u> 2000, 33, pp. 9488-9493	
	Vijayendran, B. R., et al, <i>Absolute Molecular Weight and Molecular Weight Distribution of Guar by Size Exclusion Chromatography and Low-angle Laser Light Scattering</i> , 1984, <u>Carbohydrate Polymers</u> 4, pp. 299-313	

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